



THE CITY OF NEW YORK
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August 13, 2008

VIA FACSIMILE (212) 805-7948

The Honorable Richard J. Holwell
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10004

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 8/21/08

Re: Tung v. City of New York,
08 Civ. 181 (RJH)(FM)

Dear Judge Holwell:

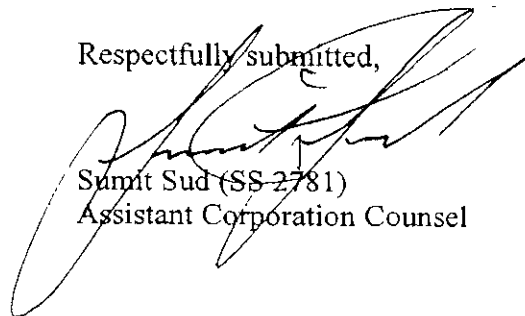
I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney newly assigned to handle the defense of the above-referenced matter. I write with respect to this civil rights action in which plaintiff alleges that he was falsely arrested and subjected to excessive force by Police Officer Wilfredo Rivera, Police Officer Lawrence Cognato, and Lieutenant Louis Turco of the New York City Police Department. The parties respectfully request that Your Honor reschedule the initial conference pursuant to Fed. R. Civ. P. 16, which was originally scheduled for April 11, 2008. I have spoken with plaintiff's counsel and plaintiff joins in this request.

Upon reviewing the Civil Docket Sheet it appears that an initial conference was originally scheduled for April 11, 2008. However, upon conferring with my predecessor, former Assistant Corporation Counsel Hillary Frommer and plaintiff's counsel Daniel Lynch, Esq., it appears that neither party was aware of the conference and as such did not appear. Defendants apologize for this oversight and any inconvenience it may have caused the Court.

Accordingly, the parties respectfully request that the initial conference be rescheduled to a date and time convenient to the Court.

Thank you for your consideration in this matter.

Respectfully submitted,



Sumit Sud (SS-2781)
Assistant Corporation Counsel

cc: David Lynch, Esq. (By First Class Mail)

Conference adjourned
to 10/10/08 at 10:00
a.m.

SO ORDERED
D. J. Lynch
USCA 8/20/08